

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA,)	
)	
PLAINTIFF)	
)	
v.)	CIVIL No. 06-203-DBH
)	
JUDITH PUTZEL, ET AL.,)	
)	
DEFENDANTS)	

ORDER ON MOTION FOR CLARIFICATION

On June 30, 2008, Magistrate Judge Rich issued a recommended decision. See Recommended Decision on Cross-Motions for Summ. J. (Docket No. 26). The defendant Judith Putzel filed a written objection on July 11, 2008. See Objection to Magistrate's Report Recommendation (Docket No. 28). I overruled her objection and adopted the recommended decision on July 22, 2008. See Order (Docket No. 29). The result was to grant the government's motion for summary judgment against Putzel.

On August 1, 2008, in an Order to Show Cause, Magistrate Judge Rich directed Putzel to explain before September 2, 2008, why her cross-claim against the defendant Stephen Price should not be dismissed on the same reasoning as the summary judgment decision of July 22, 2008. See Order To Show Good Cause (Docket No. 30). Instead, on August 14, 2008, Putzel filed a motion to clarify portions of the June 30 recommended decision. See Motion for

Clarification (Docket No. 31). The motion asks what the word “cognizable” means, requests advice on how to “authenticate” documents, and asks what makes evidence “outcome-determinative.”

I **DENY** the motion for clarification. If the recommended decision was obscure in some way to Putzel, she should have requested clarification before or when she objected to the recommended decision, and before I adopted it. Her request now is too late. The summary judgment decision stands. In lawyers’ terms, it is “law of the case,” which means that the summary judgment’s conclusions and legal principles are controlling for the rest of the lawsuit. Moreover, Putzel has given no indication how her requested clarifications could affect the viability of her cross-claim against Price.

As a result, since the September 2, 2008, deadline has passed for her to explain why her cross-claim against Price should not be controlled by the summary judgment decision and she failed to provide an explanation, I also now **DISMISS** her cross-claim against the defendant Price.

SO ORDERED.

DATED THIS 5TH DAY OF SEPTEMBER, 2008

/s/D. Brock Hornby
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE